

5 JUNE 1947

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EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
			<u>MORNING RECESS</u>		23630
			<u>RECESS</u>		23635
1627	2706		Affidavit of Major-General John R. Deane, U. S. Army (except paragraph 5 thereof)		23636
1624	2707		Book entitled "Occupation of Japan, Policy and Progress"	23642	
1624	2707-A		Excerpt therefrom		23642
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1704	2708		Affidavit of TAKAYAMA, Nobutake		23655
	2709		Map of Manchuria and Mongolia published by the Kwantung Territory Government in September 1926 (prosecution docu- ment 2993-A)	23690	

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1 Thursday, 5 June 1947

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

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17 (English to Japanese and Japanese
18 to English interpretation was made by the
19 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: In replying to the objection
5 to the reception in evidence of the affidavit of
6 General Deane, I must say at the outset that only my
7 very genuine respect for the learned counsel who
8 argued the objection prevents me from considering
9 the argument to be a monstrous example of chicanery.
10 I must, however, instead assume that failure to read
11 the document in its entirety, as well as ignorance
12 of the record, accounts for the patent fact that its
13 purpose has wholly eluded him.

14 The objection is premised upon the statement
15 that the affidavit "relates to an understanding be-
16 tween the Allied Powers and the USSR" concerning the
17 USSR's going to war against Japan. This understand-
18 ing is mentioned in the affidavit, as one of eight
19 separate, distinct incidents testified to by the
20 witness, one link in a chain of events which has a
21 relevance peculiarly its own. Counsel's only refer-
22 ence to the main matter of the affidavit is casuistic.
23 He asserts that the question of Soviet violations of
24 the Neutrality Pact is related to that of the Soviet
25 entry into the war, which the Tribunal yesterday

1 taken as representative: "Table of the Increase of
2 the Strength of the Kwantung Army and of the Japanese
3 Army as a Whole from 1932 to 1945" -- all but one of
4 these reports and tables are carried down to 1945.
5 Many, perhaps most, of these figures for 1945 were
6 read into the record; see, for examples chosen at
7 random, pages 7,543, 7,545, 7,548, 7,549, 7,551,
8 7,555, 7,559, 7,587, 7,590, 7,553, 7,557 of the
9 transcript. References to events of the year 1943 --
10 from which time General Deane's testimony commences,
11 contrary to the prosecution suggestion that it relates
12 only to 1944 and 1945 -- of course abound on, one
13 might almost say, every page of the Soviet record.

14 Of other evidence in the record concerning
15 happenings of these two years of 1944 and 1945 there
16 is no slightest dearth. I give again a random select-
17 ion. The witness Semyonov, in his affidavit, exhibit
18 668, has this to relate: "In June 1945 I had a talk
19 with Major General KUBO, Chief of the Japanese Mili-
20 tary Mission in Mukden. From that talk I
21 came to the conclusion that the Japanese Army had
22 a specially worked out plan of an attack on the
23 Soviet Union. I personally witnessed how,
24 throughout 1944-1945, in view of the realization of
25 that plan, the Japanese actively consolidated the

1 Kwantung Army and prepared for the invasion into
2 the territory of the USSR." The witness YANAGITA
3 says in his affidavit, exhibit 723, in answer to the
4 question who developed Manchuria as a military base,
5 "The commanders of the Kwantung Army took part in
6 this affair" -- then goes on specifically to name
7 among others General UMEZU, "who served until 1944
8 (summer)." The witness TAKEBE, whose affidavit is
9 exhibit 670, asseverates that he received orders
10 concerning the preparation of a base for war against
11 the USSR from commanders-in-chief of the Kwantung
12 Army UMEZU and YAMADA, whose term is shown by the
13 evidence not to have commenced until July 1944 and
14 to have continued until the end of the war (trans-
15 script page 7,584). Rodsaevsky, in the affidavit,
16 exhibit 730, relates that "Thus, even in 1945, an
17 intense construction of a railroad leading from
18 Nanza Station to the north in the direction of
19 the Amur River was being carried on."

20 Compare also exhibit 813, a report of the
21 Chief of the Soviet Naval General Staff, which shows
22 at page 8,030 of the transcript that allegedly Soviet
23 shipping was interfered with by the Japanese authori-
24 ties "from August 1941 to the end of 1944; exhibit
25 811, concerning activities of the Japanese Embassy

1 in Berlin "from 1939 to 1945"; exhibit 824, relating
2 to alleged illegal actions in connection with a Soviet
3 vessel in January 1944; exhibit 835, and other affi-
4 davits of the same type, declaring that plans for
5 offensive military operations against the USSR by the
6 Kwantung Army existed until around the middle of 1944.
7 Lastly, it might be noted that objection was taken
8 (transcript page 7,539) to a map, exhibit 709, on the
9 ground that it related to 1945; whereupon the Presi-
10 dent ruled that such evidence was received as proof
11 of steps part of conspiracy to wage aggressive war,
12 though the steps were taken as late as 1945.

13
14 Considering the opening statement of Minister
15 Golunsky -- which counsel have by no means abandoned
16 as statement of the prosecution's position, but as late
17 as yesterday gave the cachet of full and hearty ap-
18 proval -- we can find such passages as the following:
19 Page 7,228 of the transcript: "During the whole
20 period covered by the Indictment the Japanese mili-
21 tary planned and prepared a war of aggression against
22 the Soviet Union with the consent and approval of the
23 Japanese Government." Again -- I am on page 7,230 --
24 "For the sake of convenience we may divide the whole
25 period of the Japanese aggression against the USSR
covered by the Indictment into four parts. Each part

1 is characterized by a specific form of the Japanese
2 aggression against the Soviet Union." Then, the part
3 we are concerned with, "(d) The last period until the
4 surrender of Japan." And finally, from page 7,282-
5 83, "We shall submit to the Tribunal evidence," and
6 so forth.

7 I now return to the demonstration of the
8 specific relevance of General Deane's testimony. I
9 shall divide it into its three different subject
10 matters.

11 First, on the question of Soviet strength,
12 since Japan and her leaders are charged with having
13 been plotting aggression against the USSR from the
14 1st of January, 1928 to the 2nd of September, 1945,
15 it is material to know whether Soviet military
16 strength was greater than that of Japan during those
17 dates, justifying Japan in her professed fear of
18 aggression from that quarter. No better evidence
19 could, one supposes, exist on this point than the
20 statement of Marshal Stalin, paragraph 4 of the
21 affidavit.

22 Secondly, on exchange of intelligence,
23 General Deane testifies, paragraph 3 of the affidavit,
24 to the exchanging by the USSR and the United States
25 of intelligence concerning Japanese forces. By the

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2 aggression against the Soviet Union." Then, the part
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22 Secondly, on exchange of intelligence,
23 General Deane testifies, paragraph 3 of the affidavit,
24 to the exchanging by the USSR and the United States
25 of intelligence concerning Japanese forces. By the

1 Soviet prosecution, proof that Japan provided to
2 Germany intelligence of Soviet forces was thought of
3 sufficient importance to bring General MATSUMURA all
4 the way from Khabarovsk to testify to this and
5 another point.(transcript page 8,144). General
6 Deane's testimony is proof that the USSR was engag-
7 ing in the identical practice which is, therefore,
8 presumptively neither criminal nor a violation of
9 the Neutrality Pact.

10 Thirdly, breaches of the Neutrality Pact
11 by the USSR. This evidence is relevant on at least
12 three grounds.

13 Firstly, the defendants, all of them, are
14 charged by Counts 4 and 5 of the Indictment with
15 conspiring to wage, and, by Count 17 with having
16 between 1 January 1928 and 2 September 1945 planned
17 and prepared, a war of aggression in violation of
18 international law, treaties, agreements and assur-
19 ances against the USSR. The evidence to this point
20 is that military preparations were made, operational
21 plans drawn, and so forth, with a view to hostili-
22 ties vis-a-vis the USSR. The defense is that Japan
23 lived in a perennial fear of Soviet aggression, took
24 prudent measures of precaution, military and other-
25 wise, against it, but never planned or plotted such

1 aggression from her side. That these fears were well
2 founded is to be proved by what occurred, by Soviet
3 breaches and disregard of the Neutrality Pact and
4 eventual aggression against Japan, in violation of
5 international law, treaties and assurances.

6 This proof, together with other evidence
7 that Japan knew or suspected that such breaches were
8 being committed -- knowledge which invested with an
9 added urgency the necessity of preparation for de-
10 fense -- will be at once the justification for Japan-
11 ese military precautions, and the refutation of the
12 prosecution contention of Japanese conspiracy for
13 aggression against the USSR.

14 Secondly, in another way this testimony is
15 highly relevant. The prosecution has contended that
16 Japan long refused to enter into a non-aggression or
17 neutrality pact, and that this fact "proves beyond any
18 doubt" that Japanese military measures were prepara-
19 tion "for waging a war of aggression against the
20 Soviet Union" (opening statement of Minister Golun-
21 sky, transcript page 7,237.) Proof of conduct of the
22 Soviet Union after entering into a neutrality pact
23 with Japan is the conclusive reply to this charge
24 of the prosecution, and will dispose finally of the
25 question of the value and effect of neutrality pacts

as aggression-preventives.

1 Thirdly, such proof has relevance also on
2 the question whether, having been disregarded and
3 repeatedly violated by one of the signatories, the
4 Neutrality Pact was any longer binding on the other,
5 or by non-observance had come to be a dead letter.
6 It is stated in the long argument which is attached
7 as Section 8 of Appendix "A" to the Indictment here-
8 in that Japan disregarded the Neutrality Pact and
9 was not deterred by it from attacking the USSR;
10 the evidence now being offered will show that the
11 USSR disregarded the identical pact, nor was de-
12 terred by it from attacking Japan.
13

14 This evidence, incidentally, has bearing
15 on another point. One of the types of violation of
16 the Neutrality Pact by the USSR testified to by
17 General Deane constitutes also a violation of Hague
18 Convention V of 18 October 1907, prosecution ex-
19 hibit 15, governing rights and duties of neutral
20 powers. I refer especially to Article 11 of the
21 Convention -- page 41 of the exhibit -- the provi-
22 sions of which include the following: "A neutral
23 Power" -- the USSR was a neutral vis-a-vis Japan in
24 1944 and early 1945 -- "A neutral Power which re-
25 ceives on its territory troops belonging to the

1 belligerent armies shall intern them ..." Either,
2 therefore, the Hague Convention, which is listed in
3 Appendix "B" of the Indictment as an international
4 agreement which the defendants are charged with
5 having violated, has fallen into desuetude through
6 non-observance; or the provision for internment of
7 belligerent troops means that neutrals shall make
8 a pretence of interning them, while actually permit-
9 ting them to escape for further participation in
10 belligerent operations, thus giving us a new canon
11 of interpretation to be applied to treaties.

12 There remains this to be said concerning
13 the prosecutor's last so-called ground of objection.
14 It represents a rephrasing of the often-stated
15 position that, because of decision already taken by
16 political declarations of the victorious powers,
17 "this testimony from an aggressor nation" (I quote
18 their words) cannot be received on the issue of
19 whether the acts charged against the defendants are
20 crimes. This argument assumes the judgment of the
21 Tribunal; it is the essence of cynicism; and, if it
22 is to prevail, this trial need never have been held
23 at all.
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1 THE PRESIDENT: Major Blakeney, would you
2 come to the lectern again, please?

3 MR. BLAKENEY: Yes, sir.

4 THE PRESIDENT: I take you to be contending
5 that action taken or contemplated by the USSR prior
6 to entering the war justified some of the things
7 charged against the accused as acts of aggression
8 but I must remind you of Mr. Tavenner's argument that
9 Counts 25 and 26 charged the initiation of war against
10 the USSR in 1938 and 1939, which was years before
11 the conference in question occurred, and of his
12 further argument as to Count 17 charging planning
13 of war against the USSR between the years 1928 and
14 1945, and the conspiracy counts covering the same
15 period.
16

17 As to these last mentioned counts he says,
18 "The prosecution has not introduced evidence of planning
19 in 1944 or 1945 to wage war against the USSR." The
20 prosecution's evidence of planning the war against
21 the USSR is related to periods much earlier than the
22 conferences alleged in this affidavit to have taken
23 place. It is suggested by a Member of the Court that
24 in view of the statement by the prosecution which I
25 have just read the defense has no case to meet of such
planning subsequent to the conferences. This would

1 mean that no part of the affidavit would be relevant
2 or material.

3 MR. BLAKENEY: May I speak further?

4 THE PRESIDENT: We want you to answer that.

5 MR. BLAKENEY: I had thought that I had
6 fully dealt with Mr. Tavenner's contention that the
7 prosecution made no allegations of planning for
8 aggression in the years 1944 and 1945. Perhaps I
9 didn't make myself clear. What I had meant to say
10 was that the opening statement of the Soviet prose-
11 cutor clearly charged aggression to the date of
12 Japan's surrender in the words I quoted and other
13 parts which, in the interest of brevity, I did not
14 quote but repeat the contention that yesterday the
15 Soviet prosecutor specifically reaffirmed their
16 adherence to the position stated in that opening.

17 THE PRESIDENT: Before you proceed further,
18 Major Blakeney, we take it that the prosecution mean
19 that they do not rely on any evidence they have pre-
20 sented relative to any period after the Teheran
21 Conference so it does not really matter what Minister
22 Golunsky said. If that is the attitude of the prose-
23 cution that they do not rely on any evidence relating
24 to events after that conference it will save a lot of
25 time; that is, as regards aggression against the USSR.

1 MR. BLAKENEY: Of course, if they wish to
2 announce a nolle pros, that is another matter.

3 THE PRESIDENT: After all they are always
4 at liberty to abandon any part of their case if they
5 wish to do so if they have not made a case. I do not
6 know that they have but we would like to know their
7 attitude before you go further.

8 (Whereupon, General Vasiliev
9 approached the lectern.)

10 THE PRESIDENT: We do not desire to hear
11 two counsel on the same side on the same point. We
12 desire to hear the acting Chief Prosecutor or Chief
13 of Counsel.

14 GENERAL VASILIEV: I follow your ruling,
15 your Honor, but in my submission the position of the
16 Soviet prosecution may be explained by us better than
17 by anybody else. Only for the purpose of clarifying
18 the position I would like to say a few words and, of
19 course, Mr. Tavenner is preferably entitled to speak
20 after me.

21 THE PRESIDENT: Now we want to hear what
22 Mr. Tavenner says as to his meaning. We have quoted
23 Mr. Tavenner. Let Mr. Tavenner say what he meant.
24

25 GENERAL VASILIEV: I deserve the right to
clarify the position as it is considered by the Soviet

prosecution.

1 MR. TAVENNER: If the Tribunal please, may
2 I be permitted to consult with associate counsel before
3 making a reply?

4 THE PRESIDENT: You ought to know what you
5 meant. You can always modify it. You can withdraw
6 what you meant. You can modify it if you wish but
7 we would like to know now what you meant. If you
8 prefer to have this conference beforehand, we will
9 not insist on your speaking now. We thought that if
10 you meant a certain thing and you would adhere to
11 that meaning the case may be conceivably shortened.

12 MR. TAVENNER: Thank you, sir.

13 THE PRESIDENT: How long will your confer-
14 ence take, Mr. Tavenner? Could we go on to something
15 else in the meantime? That is for Major Blakeney to
16 say really.

17 MR. BLAKENEY: I don't see how we can, your
18 Honor, until this question is decided. The ruling on
19 this objection will have more or less bearing on the
20 evidence to follow.

21 THE PRESIDENT: The Court will recess for
22 some minutes.
23

24 (Whereupon, at 1018, a recess was
25 taken until 1045, after which the proceedings
were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please,
5 the position that the prosecution has taken is that
6 there was no fresh planning of war on the part of
7 Japan against the USSR which took place after the
8 conference which is referred to in this affidavit.

9 THE PRESIDENT: After November 1943, when
10 the Teheran Conference took place.

11 MR. TAVENNER: Which is the Teheran
12 Conference.

13 As I pointed out yesterday, we do contend
14 that such plans as had been formed would have been
15 carried out had a favorable opportunity presented
16 itself, in line with the decision of the Imperial
17 Conference referred to on July 2, 1941, where it
18 was plainly stated that if the German-Soviet War
19 progressed favorably to Japan, Japan would execute
20 arms against the USSR. Due to the course of the war
21 on Soviet soil and in the Pacific, the events did
22 not transpire which afforded the opportunity that
23 the Japanese sought.

24 So we take the position, if the Tribunal
25 please, that any action on the part of the Allies

1 and the USSR for looking toward future action
2 against Japan on the part of the USSR could have
3 no bearing or materiality upon the planning that had
4 existed before that time. For that reason, we take
5 the position that this evidence is not relevant
6 to any issue; and we further take the position,
7 as mentioned yesterday, that it is not a defense
8 to these accused that the USSR breached another
9 agreement, if such a thing occurred; and that such
10 matter would be without the scope of the Tribunal's
11 jurisdiction in this case.

12 THE PRESIDENT: Major Blakeney.
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1 MR. BLAKENEY: I confess that I haven't
2 the slightest idea what Mr. Tavenner's position is
3 except that it seems fairly clear that nothing is
4 withdrawn, nothing is disclaimed, nothing is aban-
5 doned.

6 Continuing plan, he says, no first plan --
7 continuing, that is, to the 2nd of September, 1945,
8 as alleged and as attempted to be proved. Continu-
9 ing plan, continuing defense, we say, against the
10 Russian threat.

11 When the Tribunal called upon Mr. Tavenner
12 to answer its question, I was answering the Tribunal's
13 question to me, and I assume that I should continue.
14 I could continue to the demonstration of the rele-
15 vance of this evidence, even if the Soviet prosecu-
16 tion had seen fit to do that which they suggested
17 in argument yesterday, that is, to abandon those
18 parts of the charge which they rely upon when it
19 suits their convenience to do so. But now on the
20 record those charges stand against us, and against
21 us on the record stands the evidence which the
22 Tribunal ruled, on the occasion of motions to dis-
23 miss upon the prosecution's resting, was sufficient
24 to hold each and every one of these defendants to
25 accountability, to put him on his defense against

those charges.

1 I have made my argument on relevance and I
2 don't propose to repeat it. But this I should like
3 to add: If the Soviet charges in their entirety
4 were dismissed from this Indictment, this proof
5 would still be relevant. It would be relevant for
6 six separate reasons which I have jotted down but
7 of which I wish to mention one. If, I say,
8 every reference to the USSR were stricken from this
9 Indictment, this evidence would have obvious rele-
10 vance on the following ground:

11 That this Tribunal has heretofore ruled in
12 substance, I do not profess to quote the exact words,
13 that proof of an incident violatory of international
14 law or agreement, even though that agreement had been
15 settled, closed, between the parties concerned, is
16 still relevant because it concerns the community of
17 nations.
18

19 THE PRESIDENT: You cannot compound an inter-
20 national crime, that is all it amounts to, without
21 concurrence of the international authority.

22 MR. BLAKENEY: It amounts also to one more
23 thing, if I may submit. Even if all charges were
24 waived and abandoned by the U.S.S.R. still, under this
25 concept, the proof already received in evidence would

1 go to prove the conspiracy to dominate the world
2 alleged in Counts 1, 2, 3, 4 and 5 of the Indictment
3 and every other count relative to conspiring for or
4 planning and preparing for a war of aggression in
5 violation of treaties, and so forth, in Appendices B
6 and C including, among others, this Neutrality Pact.

7 My feeling is that the Tribunal's question
8 has been answered.

9 THE PRESIDENT: The Court will adjourn for
10 some minutes to consider the matter.

11 (Whereupon, at 1105, a recess was
12 taken until 1135, after which the proceedings
13 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: I give the decision of the
4 Tribunal on the admissibility of defense document
5 No. 1627. By a majority, the Court overrules the
6 objection except as to paragraph 5 of General Deane's
7 affidavit, and admits the document on the usual terms
8 except paragraph 5 thereof.

9 CLERK OF THE COURT: Defense document 1627
10 will receive exhibit No. 2706.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2706, and was received in evidence
14 with the exception of paragraph 5 thereof.)

15 MR. BLAKENEY: I read the affidavit as
16 admitted, omitting formal parts:

17 "1. As Major General in the United States
18 Army I was United States Secretary of the Combined
19 Chiefs of Staff in Washington from September 1, 1943
20 to October 1943. Thereafter I served as chief of the
21 United States Military Mission in Moscow from
22 18 October 1943 to October 1945, during which time my
23 duties were responsibility for military liaison between
24 the United States and the U.S.S.R. In my official
25 capacity I attended the Moscow Conference of October

1 1943, the Cairo and Teheran Conferences in November
2 1943, the Yalta Conference in February 1945 and the
3 Potsdam Conference of July 1945.

4 "2. The question of Soviet participation
5 in the war against Japan was raised as early as the
6 Teheran Conference in November 1943. At the Teheran
7 Conference Marshal Stalin stated his regret that the
8 U.S.S.R. had been unable to help in the Pacific War,
9 the requirements of the European War precluding Russian
10 participation against Japan at that time, and he went
11 on to say that while the Russian forces then in Siberia
12 were sufficient for defensive operations they would
13 have to be increased threefold before an offensive
14 could be undertaken, which increase could not be
15 accomplished until after the defeat of Germany. 'Then,'
16 he said, 'by our common front we shall win.' I was
17 present on this occasion.

18 "On 2 February 1944, I was informed by
19 Ambassador Harriman that Marshal Stalin had told him,
20 in response to the request made by President Roosevelt
21 at Teheran, that the United States Air Forces would be
22 allowed to operate American aircraft from Siberia
23 after the Soviet Union should have declared war on
24 Japan, and at the same time stated that high-ranking
25 officers would be summoned from the Far East to discuss

1 with me plans for the establishment of an American
2 strategic air force in Siberia. These conversations
3 did not, however, take place. A meeting with represen-
4 tatives of the Soviet Far Eastern Air Forces did not
5 materialize.

6 "At a meeting in Moscow in October 1944, among
7 Prime Minister Churchill, Marshal Stalin, Ambassador
8 Harriman, and their staffs, at which I was present,
9 Marshal Stalin stated that the U.S.S.R. would take the
10 offensive against Japan three months after the defeat
11 of Germany, provided that the United States would assist
12 in building up the necessary reserve supplies and that
13 agreement with China could be reached concerning
14 Russian interests, at the same time he agreed that air
15 bases in Maritime Province would be made available as
16 a naval base."

17
18 I might say that the typographical error
19 which has made nonsense of this last clause occurred
20 when the affidavit which was executed was copied from
21 my original draft; and hence, although I am well aware
22 of what has been omitted, I am not at liberty to
23 supply it.

24 "At a meeting on the following night at which
25 Ambassador Harriman, Marshal Stalin, Mr. Molotov, and I
were present the operations which the Red Army would

1 undertake in the war against Japan were discussed.
2 At this meeting Marshal Stalin personally illustrated
3 on a map the strategy proposed, which was to exert
4 pressure on the Japanese along the northern and
5 eastern borders of Manchuria while making the main
6 effort with a highly mobile force sweeping down from
7 the area of Lake Baikal through Outer and Inner
8 Mongolia to Kalgan, Peiping and Tientsin.

9 "At the Yalta Conference of February 1945,
10 at which I was present, the question of Soviet partici-
11 pation in the Pacific War was discussed and it was
12 agreed by Marshal Stalin and General A. E. Antonov,
13 Deputy Chief of Staff of the Red Army, that bases for
14 B-29's would be made available in the Komsomolsk-
15 Nikolaevsk area and that the United States might be
16 called upon to assist in the defense of Kamchatka,
17 that the United States was authorized to undertake
18 surveys of those areas; that the Red Army would take
19 the southern half of Sakhalin as one of its first
20 objectives in the war; and that joint American-Soviet
21 planning would be pursued vigorously in Moscow. No
22 such joint planning materialized, and the surveys were
23 not made.

24 "As a result of studies made under my direction
25 in the Spring of 1945, it was determined that the

1 slight increase in the bombing effort and the advan-
2 tage of an added direction of approach for bomber
3 formations were not commensurate with the logistical
4 effort involved in establishing an American strategic
5 air force in Siberia, and our plans therefor were
6 abandoned.

7 "At the Potsdam Conference, on 26 July 1945,
8 General Antonov stated that the Red Army would begin
9 offensive operations against Japan in the latter half
10 of August, the exact date being dependent upon the
11 conclusion of negotiations then being held with the
12 Chinese. At the next military-staff meeting at Potsdam,
13 a day or so later, General Antonov stated that Marshal
14 Stalin had that day handed to President Truman the
15 Soviet Union's agreement to installation of American
16 weather stations at Khabarovsk and Petropavlovsk; to
17 exchange of liaison detachments and immediate estab-
18 lishment of a communications system between Soviet and
19 American headquarters in the Far East; and to setting
20 boundaries between American and Soviet naval and air
21 operations in the Far East. I was present at these
22 meetings.

23 "3. After June 1944 the outstanding American
24 army expert on Japanese order of battle, Colonel
25 Pettigrew, was stationed in Moscow for the express

1 purpose of exchanging with the Red Army intelligence
2 concerning Japanese forces. The Russians provided
3 until the end of the war some information of Japanese
4 troop movements and dispositions in Manchuria.

5 "4. On 15 October 1944, at the conference in
6 Moscow, Marshal Stalin stated that the Red Army at
7 that time had thirty divisions in the Far East, and
8 that it would require thirty more before it could take
9 the offensive against Japan. I was present at that
10 conference."

11 THE PRESIDENT: Well, Major, in the first
12 paragraph of the affidavit, reference is made to
13 the Moscow Conference of October 1943, and in the
14 fourth paragraph a conference in Moscow on the 15th
15 of October 1944 is referred to. Is that the same
16 conference?

17 MR. BLAKENEY: No, sir. The dates are
18 correct and they are different conferences. You will
19 note that one is the Moscow Conference; the other is
20 a conference in Moscow.

21 The agreement made at Yalta in February 1945,
22 in which, as testified to by General Deane, the Soviet
23 Union committed itself to violation of the Neutrality
24 Pact by aggression against Japan, was reduced to
25 writing and signed.

1 I now tender for identification, the State
2 Department publication, "The Occupation of Japan,
3 Policy and Progress," defense document 1624, and offer
4 in evidence an excerpt therefrom bearing the same
5 document number and consisting of the Yalta Agreement.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 1624,
8 being a book entitled "Occupation of Japan, Policy and
9 Progress," will receive exhibit No. 2707; and the
10 excerpt therefrom will receive exhibit No. 2707-A.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2707 for identification; and the excerpt
14 therefrom was marked defense exhibit No. 2707-A
15 and received in evidence.)
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1 MR. BLAKENEY: I read the text of the agree-
2 ment.

3 "Signed at Yalta February 11, 1945

4 "The leaders of the three Great Powers--the
5 Soviet Union, the United States of America and Great
6 Britain--have agreed that in two or three months after
7 Germany has surrendered and the war in Europe has ter-
8 minated the Soviet Union shall enter into the war
9 against Japan on the side of the Allies on condition
10 that:

11 "1. The status quo in Outer Mongolia (The
12 Mongolian People's Republic) shall be preserved;

13 "2. The former rights of Russia violated by
14 the treacherous attack of Japan in 1904 shall be restored,
15 viz:

16 "(a) The southern part of Sakhalin as well
17 as all the islands adjacent to it shall be returned
18 to the Soviet Union.

19 "(b) The commercial port of Dairen shall be
20 internationalized, the preeminent interests of the
21 Soviet Union in this port being safeguarded and the
22 lease of Port Arthur as a naval base of the U.S.S.R.
23 restored,

24 "(c) The Chinese Eastern Railroad and the
25 South Manchurian Railroad which provides an outlet to

1 Dairen shall be jointly operated by the establishment
2 of a joint Soviet-Chinese Company it being understood
3 that the preeminent interests of the Soviet Union shall
4 be safeguarded and that China shall retain full sover-
5 eignty in Manchuria;

6 "3. The Kuril Islands shall be handed over to
7 the Soviet Union.

8 "It is understood that the agreement concerning
9 Outer Mongolia and the ports and railroads referred
10 to above will require concurrence of Generalissimo
11 Chiang Kai-shek. The President will take measures in
12 order to obtain this concurrence on advice from Marshal
13 Stalin.

14 "The Heads of the three Great Powers have
15 agreed that these claims of the Soviet Union shall be
16 unquestionably fulfilled after Japan has been defeated.

17 "For its part the Soviet Union expresses its
18 readiness to conclude with the National Government of
19 China a pact of friendship and alliance between the
20 U.S.S.R. and China in order to render assistance to
21 China with its armed forces for the purpose of liberating
22 China from the Japanese yoke.

23 "Joseph Stalin
24 Franklin D. Roosevelt
25 Winston S. Churchill"

I now offer in evidence defense document 1476,

1 a report on the notification of the commencement of the
2 war by the U.S.S.R. against Japan. In view of the
3 Tribunal's ruling of yesterday I should point out that
4 this evidence is offered solely on the question of the
5 legal effect of the requirement of the Hague Convention
6 the Third in reference to opening of hostilities.

7 GENERAL VASILIEV: If the Tribunal please,
8 I object to the introduction of this document on
9 the following grounds: This document deals precisely
10 with the circumstances of the entry of the Soviet Union
11 into the war. These are the only contents of this
12 document. Anyhow, I am speaking of the contents of
13 the document presented and not of something indefinite
14 that is meant by the defense. From the point of view
15 of the contents of this document, it is fully covered
16 by the Tribunal's ruling of yesterday. I must say
17 that if this document is not covered by the Tribunal's
18 ruling of yesterday, then I am not in position to
19 understand what documents are covered by the yesterday's
20 ruling.

21
22 Therefore, I ask the honorable Tribunal to
23 reject the document.

24 MR. BLAKENEY: My submission is that the docu-
25 ment as offered for a limited purpose is not covered
by yesterday's ruling, and I shall state briefly my

reasons.

1 The case is permeated with evidence and oratory
2 concerning the Japanese declaration or non-declaration
3 of war against the United States and other nations.

4 There is an exquisite relevance to the inquiry whether
5 one of the nations claiming the right to prosecute for
6 alleged violation of that international agreement has
7 itself, in entering into the identical war in question,
8 World War II, against the very nation of which these
9 defendants were military or civil officials, has
10 treated that convention as requiring that which it
11 contends was required of the defendants and their
12 nation. There can surely be, I repeat, no more signi-
13 ficant answer to the question of the binding character
14 of this provision of the Hague Convention than whether
15 its mandate **was** or was not submitted to by one of the
16 very nations now seeking to enforce it, in its commence-
17 ment of hostilities against the very nation whose
18 statesmen and soldiers are now on trial for the viola-
19 tion.
20

21 We are concerned not with why or on what terms
22 the Soviet Union commenced its war against Japan, but
23 are offering this evidence, I repeat, for the limited
24 purpose of inquiring into the how, the method, the
25 formalities of the declaration of war. And for that

1 purpose, I submit, it is relevant, and it does not
2 offend against the previous ruling of the Tribunal.

3 THE PRESIDENT: By a majority, the Court upholds
4 the objection and rejects the document.

5 MR. BLAKENEY: I had now proposed to call as
6 a witness TAKAHASHI, Kinji, whose testimony is embodied
7 in defense document 1537. In view, however, of the
8 ruling last made, I shall only make the proffer of the
9 evidence contained in the affidavit for purposes of
10 preserving the record.

11 THE PRESIDENT: Are you formally objecting,
12 General Vasiliev?

13 MR. BLAKENEY: I should have said that I tender
14 it and ask that it be marked for identification, and
15 that I assume the same objection applies.

16 THE PRESIDENT: Well, there is no objection
17 taken. We must have an objection before we can reject
18 a document.

19 GENERAL VASILIEV: If the Tribunal please, I
20 object to the introduction of this document as the
21 document deals with the circumstances of the entry of
22 the Soviet Union into the war, and is covered by the
23 yesterday's ruling of the Tribunal.

24 THE PRESIDENT: The objection is upheld and
25 the document rejected.

1 MAJOR BLAKENEY: May it be marked for identi-
2 fication in accordance with past practice? It was done
3 at one time.

4 THE PRESIDENT: I decided in chambers what
5 should be done to protect your interests, and I
6 thought it was fully agreed with, Major. That prac-
7 tice will be followed.

8 We will adjourn until half past one.

9 (Whereupon, at 1200, a recess
10 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: I had just offered defense document 1537 which was rejected. In connection therewith I wish to make formal tender also of defense document 1535, an excerpt from the memorandum of Captain TAKAHASHI, offered as proof of the time of commencement of Soviet-Japanese hostilities; of course, I assume the same ruling applies.

THE PRESIDENT: If objected to, yes.

GENERAL VASILIEV: The same objection, your Honor, as to the two previous documents which were just rejected by the Tribunal.

THE PRESIDENT: The objection is upheld and the document rejected.

MR. BLAKENEY: I had intended calling, but now offer in evidence the affidavit of, TAKEUCHI, Ryuji, which is offered as proof of the time of notification of declaration of war served by the USSR on the Japanese Government, and which, I agree, is subject to

1 the previous ruling of the Tribunal.

2 THE PRESIDENT: General Vasiliev.

3 GENERAL VASILIEV: The same objection on the
4 same grounds, your Honor. I ask you to reject the
5 document.

6 THE PRESIDENT: The objection is upheld and
7 the document rejected.

8 MR. BLAKENEY: Returning to the affidavit
9 of MATSUMURA, Tomokatsu, exhibit 2673, I shall read
10 from page 3 the remaining unread portion, commencing
11 about the middle of the page:

12 "Q Was the Soviet attack on 9 August 1945
13 previously known?

14 "A Not at all.

15 "Q How did you come to know of the Soviet
16 Union's entry into the war?

17 "A Reports were received that Hsingking had
18 been suddenly attacked from the air at 2 o'clock on
19 9 August and that many districts along the frontier
20 were also under Soviet attack. Later, hearing a
21 broadcast reporting the Soviet entry into the war,
22 we realized that this was not merely a border clash
23 but a real war.

24 "Q What did the Kwantung Army do upon this?
25

"A Headquarters at 3:30 on 9 August ordered

TAKAYAMA

DIRECT

This page is correct.

1 all units under its command to defend themselves and
2 to get ready for the execution of the operations plans.

3 "Q When was the carrying out of the operations
4 plans ordered?

5 "A It was ordered on the night of the 9th."

6 I now call as a witness TAKAYAMA, Nobutake.

7 - - -

8 N O B U T A K E T A K A Y A M A, called as a witness
9 on behalf of the defense, being first duly sworn,
10 testified through Japanese interpreters as follows:

11 THE MONITOR: Mr. Blakeney, the Language
12 Section does not have the witness' affidavit.

13 GENERAL VASILIEV: It has been served upon
14 us only this morning and, being here in the court-
15 room, we are bereft of the opportunity to prepare
16 our objections. We ask to comply with the rules con-
17 cerning the time of serving the documents.

18 MR. BLAKENEY: Of course, I know nothing of
19 when it is served except that I received it yesterday,
20 and I cannot investigate the matter now. So, if
21 prosecution are going to insist on their rights, we
22 will have to stand him down.

23 THE PRESIDENT: Do you want him stood down?

24 MR. BLAKENEY: If the objection is persisted
25 in, I do.

GENERAL VASILIEV: Not to cause unnecessary

TAKAYAMA

DIRECT

1 delay, I do not object to the reading of this affi-
2 davit, because I managed to have a look at the con-
3 tents of this affidavit.

4 THE PRESIDENT: Have the Language Section a
5 copy yet?

6 THE MONITOR: We have, sir.

7 DIRECT EXAMINATION

8 BY MR. BLAKENEY:

9 Q Mr. Witness, state your name and residence.

10 A My name is TAKAYAMA Shinobu. My present
11 address is 240 Kamiyagira, Matsudo City, Chiba Pre-
12 fecture.

13 MR. BLAKENEY: I ask that the witness be
14 handed defense document 1704.

15 (Whereupon, a document was handed
16 to the witness.)

17 Q And, I ask you, Mr. Witness, to examine
18 that document and state whether it is your affidavit
19 given under your signature and seal.

20 A This is the affidavit to which I have de-
21 posed. It bears my signature and seal.

22 Q Are the contents thereof true and correct?

23 A The contents are true and correct.

24 MR. BLAKENEY: The affidavit, defense docu-
25 ment 1704, is offered in evidence.

TAKAYAMA

DIRECT

1 THE PRESIDENT: General Vasiliev.

2 GENERAL VASILIEV: I object to the intro-
3 duction of this affidavit, if the Tribunal please.
4 This affidavit gives the data concerning the numer-
5 ical strength of the Kwantung and Korea Armies, pre-
6 pared by a group of Japanese for the Headquarters of
7 the Allied Forces. Lieutenant Colonel Blake, from
8 G-2, gave testimony concerning this data covering
9 the same period of time. What for are these addi-
10 tional testimony? Partial transferring of troops
11 has no relevance to the issues of this case; and,
12 if they are in some way connected with the numerical
13 strength, then they were included into the data al-
14 ready submitted before the Tribunal.

15 On these grounds, I ask the honorable Tri-
16 bunal to reject the affidavit.

17 THE PRESIDENT: Major Blakeney.

18 MR. BLAKENEY: I think the relevance of the
19 evidence herein tendered is readily apparent. The
20 Soviet prosecution charges, and declines to abandon
21 that charge, that preparations for an aggressive war
22 against the USSR were made in Manchuria until the
23 2nd of September, 1945. On the question of whether
24 preparations were being made for an aggressive war,
25 it must be material to know what type of troops were

TAKAYAMA

DIRECT

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22 against the USSR were made in Manchuria until the
23 2nd of September, 1945. On the question of whether
24 preparations were being made for an aggressive war,
25 it must be material to know what type of troops were

TAKAYAMA

DIRECT

1 there, where their equipment was, how we account
2 for their large or small numbers, what their qual-
3 ity was. The Soviet prosecution, themselves, intro-
4 duced evidence of the strength of the Kwantung Army
5 and the Korea Army in 1945. We are engaged at the
6 moment in rebutting that testimony, and the tendency
7 of the evidence now under consideration is to rebut
8 the fact, as contained in the Soviet testimony, of
9 the number of troops and to explain, in connection
10 with such troops as were there, the circumstances
11 from which the Tribunal may judge whether they were
12 stationed there with aggressive intent.

13 General Vasiliev, by the way, objected the
14 other day to testimony from American sources of
15 Japanese strength, saying that Japanese figures
16 would be far more acceptable to him. He did not,
17 at the time, object to the relevance of figures, as
18 such, presumably because it had not yet occurred to
19 them that they might disclaim the evidence put in
20 against the defense as to 1945. We now tender the
21 evidence from Japanese sources, and he objects to it.

22 THE PRESIDENT: Did Colonel Blake give this
23 evidence?

24 MR. BLAKENEY: Colonel Blake gave nothing
25 but estimates of troop strength and identified the

1 Japanese figures thereof. This man states the
2 figures incidental and, from there, goes on to ex-
3 plain the type of troops there, their purpose, their
4 reasons, and so forth, negating the aggressive in-
5 tent as charged in the Indictment and by the evi-
6 dence in the year 1945.

7 I submit it is clearly admissible.

8 GENERAL VASILIEV: I didn't state that the
9 document is irrelevant to the issues of the case.
10 I merely said it is repetitious and the introduction
11 of it will be a waste of time. Colonel Blake ident-
12 ified Japanese data, and now the same data is being
13 presented again. It is unnecessarily burdening of
14 the record.

15 THE PRESIDENT: By a majority, the Court
16 overrules the objection and admits the document.

17 CLERK OF THE COURT: Defense document 1704
18 will receive exhibit No. 2708.

19 (Whereupon, the document above re-
20 ferred to was marked defense exhibit No.
21 2708 and received in evidence.)
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1 MR. BLAKENEY: I read the document which,
2 omitting the formal parts, is as follows:

3 "I am a former colonel. My present residence
4 is 240 Kamiyagira, Matsudo City, Chiba Prefecture.
5 At present I am serving in the 1st Demobilization
6 Bureau.

7 "Concerning the troop strength of the Kwan-
8 tung Army and the Korea Army, a document was pre-
9 pared and submitted to the GHQ at their request. The
10 document was prepared by a committee of men, formerly
11 of the War Ministry and the General Staff Office,
12 concerned with such matters, from their notes and
13 memories. The following is an accurate excerpt from
14 that document. I was formerly attached to the War
15 Ministry and the General Staff Office, and took part
16 in that meeting.

17 "CONCERNING THE TROOP STRENGTH OF THE
18 KWANTUNG AND THE KOREA ARMY IN 1945.

19 "With the growing intensity of the war in
20 the Pacific, troops were gradually being transferred
21 from the Kwantung Army to the southern areas, China,
22 etc., and in the year 1945, with a decisive battle on
23 the mainland of Japan in view, more troops were trans-
24 ferred from the Kwantung Army to Japan Proper and
25 Korea, the outline being as follows:

1 "January 1 division, 1 army headquarters
2 and 1 aviation unit to Formosa and China.

3 "February Aerial unit to China.

4 "March 3 divisions and 1 tank division
5 to Japan Proper; 3 divisions to Korea.

6 "April 1 tank brigade to Japan Proper
7 1 transport unit to Korea.

8 "June 1 rear service unit.

9 "On the other hand, the Kwantung Army was
10 compelled to plan a defensive campaign, the general
11 trend indicating the Soviet's entry into the war
12 against Japan. That is to say that from about the
13 end of 1944 unlawful frontier violations on the part
14 of Russia increased in frequency, and in February
15 1945 transfer of troops in great numbers from Europe
16 to the Soviet Far East began. On 5 April the Soviet
17 Union denounced the Neutrality Pact without consulta-
18 tion and the transfer of troops became active.

19 "The Imperial Headquarters estimated that
20 the USSR, after determining the phases of the war in
21 the Pacific, would declare war on Japan by winter.
22 In July, with the proclamation of the Potsdam Declara-
23 tion, the probability of Soviet participation in
24 the war became greater, and our estimate was that by
25 that autumn war would be declared.

1 "With the above estimate emergency measures
2 were taken in connection with the Kwantung Army as
3 follows:

4 "February 8 divisions and 4 mixed brigades
5 were newly installed in Manchuria.

6 "April With the denunciation of the
7 Neutrality Pact orders were issued to prepare for
8 the transfer of 4 divisions from China to Manchuria.

9 "May It was decided to readjust the
10 front in China and collect forces in North and Cen-
11 tral China, and on 30 May the order of battle of the
12 Kwantung Army was issued, the transfer of 4 divisions
13 from China to Manchuria ordered, the period of trans-
14 fer being for between June and the end of July. Also
15 a part of the Korea Army stationed in Northern Korea
16 was placed under the command of the Kwantung Army.

17 "June 1 army headquarters and 1
18 division transferred to Korea from China and placed
19 under the command of the Kwantung Army.

20 "July Total mobilization of sound men
21 in Korea and Manchuria ordered, but the USSR entered
22 the war before the completion of the mobilization.

23 "At the close of the war total manpower
24 according to the organizations was 780,000, but
25 mobilization not being complete no accurate figures

1 can be had. As to the quality of the army, it
2 being newly formed, and the men uneducated and with
3 feeble equipment, it was very poor.

4 "In Korea and especially in Southern Korea,
5 preparations were being made for the war against
6 the United States, and at the close of the war there
7 were 7 divisions, 2 mixed brigades and 2 mixed regi-
8 ments, totalling about 260,000 men."

9 You may cross-examine.

10 THE PRESIDENT: General Vasiliev.

11 GENERAL VASILIEV: No cross-examination,
12 your Honor.

13 MR. BLAKENEY: I request that the witness
14 be released on the usual terms.

15 THE PRESIDENT: He is released accordingly.

16 (Whereupon, the witness was ex-
17 cused.)

18 - - -

19 MR. BLAKENEY: I wish now to recall for
20 redirect examination, which was deferred from the
21 21st of May, the witness HASHIMOTO, Gun.
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1 COLONEL SMIRNOV: Your Honor, I would like
2 to make the following statement before the redirect
3 examination of the witness HASHIMOTO, Gun.

4 Your Honor, I would like to inform the Court
5 that the map, being part of exhibit 766 and presented
6 during the cross-examination of the witness HASHIMOTO,
7 Gun on May 20 has been processed and served upon the
8 Court and the defense.

9 Secondly, in the interests of saving
10 time I consider it necessary to give the following
11 explanations concerning this map. Exhibit 766 which
12 is a memorandum of the Military History Department
13 of the General Staff of the Soviet Army and which is
14 Appendix 1 of the map in question shows that the
15 military sketch map bearing the Japanese stamp "Top
16 Secret" was captured in the fighting with the YAMAGATA
17 Separate Detachment in the Nomonhan area.

18 We checked all the inscriptions on the map.
19 Not a word in it is in the Russian or the Mongolian
20 languages. All names of the inhabited points and
21 other inscriptions are made in the Japanese language.
22 Likewise the stamp "Top Secret" which is in the right-
23 hand top corner of the map is in the Japanese language.
24 We state that this map having been captured from the
25 Soviet Army by the YAMAGATA Japanese Detachment during

1 the fighting in the Nomonhan area it is absolutely
2 certain that the border line passing from the Halha
3 River to the east as shown on this map tallies in
4 substance with the border line as shown on the map
5 of the Soviet General Staff of 1935 and other maps
6 showing the border to the east of the Halha River.
7 These maps are with the Tribunal. The inscription
8 which appears on the map near the stamp "Top Secret"
9 is also in the Japanese language and reads as follows:
10 "Map of a Part of Outer Mongolia captured during the
11 Fighting of the YAMAGATA Detachment." Thus this in-
12 scription permits two-fold interpretation.

13 There is no indication of the time and
14 place of the publishing of the map. The Soviet
15 prosecution during the cross-examination of HASHIMOTO,
16 Gun and earlier submitted this map to prove that even
17 in the beginning of the fighting in the Nomonhan area
18 the Japanese Detachment, which one of the first started
19 the fighting, had a military sketch map showing correct
20 border line -- correct state border line -- and this
21 is the only purpose of the presentation of this map.

22 That is all I have to say, your Honor.

23 MR. BLAKENEY: Since October the defense
24 has objected, until all concerned are weary, to this
25 testifying and arguing at the lectern by all Soviet

1 prosecutors so I suppose it is necessary only to
2 say that we again object and request that his remarks
3 be disregarded insofar as they deal with matters of
4 fact.

5 COLONEL SMIRNOV: Your Honor, I didn't
6 wish to give argument but I merely wanted to state
7 the position of the prosecution for the purpose of
8 avoiding tilting windmills as it were in some cases
9 on the part of the defense while submitting other
10 matters.

11 THE PRESIDENT: Without receiving any
12 explanations we will, of course, disregard everything--
13 every statement which should be the subject of evidence.

14 MR. BLAKENEY: I now proceed to adduce
15 evidence.

16 - - -

17 G U N H A S H I M O T O, recalled as a witness on
18 behalf of the defense, having been previously
19 sworn, testified through Japanese interpreters
20 as follows:

21 REDIRECT EXAMINATION

22 BY MR. BLAKENEY:

23 I call attention to the fact that the
24 testimony already given by this witness may be found
25 on pages of the transcript 22,576 - 22,666.

HASHIMOTO

REDIRECT

1 Q I ask that the witness be handed exhibit
2 766 and I ask you, Mr. Witness, to direct your atten-
3 tion to the map annexed thereto. What is the title
4 written on that map?

5 A A map of Outer Mongolia captured in the
6 course of fighting by the YAMAGATA Detachment.

7 Q Was that "by the YAMAGATA Detachment"?

8 A The accurate interpretation of the Japanese
9 is so.

10 Q In looking at that map, Mr. Witness, can you
11 form a conclusion whether it is a Japanese map or a
12 map from foreign sources?

13 A Yes, I can.

14 Q What is your conclusion of that matter?

15 A This is not a map drawn up by the Japanese.

16 Q State to the Tribunal the reasons leading
17 you to that conclusion.

18 A The first reason is the title of which you
19 have asked. This is obvious.

20 My second reason is on looking at this map
21 it is noted that the area west of the Halha River,
22 namely the area of Outer Mongolia, that is to say,
23 west of the Halha River and which Japan claims to be
24 the border line, is indicated in great detail. On the
25 contrary the area east of the Halha River, namely, in

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1 the territory of Manchukuo, the map is not inscribed
2 in a detailed manner. In the Outer Mongolian area,
3 that is to say, in the area west of the Halha River,
4 the Japanese had no opportunity or means to make a
5 survey to draw up a map and, therefore, it is difficult
6 on the part of the Japanese to inscribe on the map
7 such details as are found on this map with respect to
8 the topography of the Outer Mongolian area.
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1 Q Just a moment at that point. On Japanese
2 General Staff maps prepared at and prior to the time
3 of Nomonhan is such detail shown to the west of the
4 Halha River?

5 A It does not appear in detail. That is my
6 assumption.

7 THE MONITOR: I do not think those maps
8 bear anything in detail as far as the area west of
9 the Halha River is concerned.

10 Q All right, Mr. Witness, proceed with your
11 reasons.

12 A The third reason is the manner in which
13 this map has been drawn up. On this map there is
14 a border line which the Russians claim indicated in
15 a manner which is not used in indicating border lines
16 on Japanese maps. The marks used on this map are
17 similar to marks used on Japanese maps when indicat-
18 ing administrative districts. that is, internal
19 administrative districts. The marks employed by the
20 Japanese in indicating borders, borders separating
21 two countries, are cross and dash marks used alter-
22 nately. On this map horizontal lines and vertical
23 lines are used apparently to indicate marsh land.
24 Vertical lines are never used by the Japanese in
25 indicating such. Furthermore, on this map there are

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1 marks indicating Lama Temples. The markings used
2 on this map to indicate Lama Temples are different
3 from the marks used by the Japanese, and here and
4 there on this map there are marks indicating
5 Mongolian obos. The markings used on this map
6 are not the kind of markings employed by the
7 Japanese.

8 For the above stated reasons I come to
9 the conclusion that this map was not prepared or
10 drawn up by the Japanese.

11 MR. BLAKENEY: Now, I ask that while
12 retaining that map the witness be handed exhibit
13 2657, this being the map prepared by the Russian
14 General Staff. The map was withdrawn by the
15 prosecution, and at the time it was withdrawn I
16 instructed the gentleman who withdrew it that I
17 should **require** it for cross-examination yesterday
18 or today. I request that it be sent for and
19 produced so that I may proceed.

20 The map proves to be in the Clerk's
21 possession, and is now being handed to the witness.

22 THE PRESIDENT: Colonel Smirnov.

23 COLONEL SMIRNOV: Your Honor, it seems
24 to me that functions are attributed to the witness
25 which cannot be attributed to him because he is not

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1 an expert.

2 THE PRESIDENT: He is a Lieutenant General,
3 and that is enough for us, I think.

4 MR. BLAKENLEY: The prosecution treated him
5 as an expert on maps.

6 Q I ask you, Mr. Witness, to examine that
7 map, exhibit 2657, the Russian General Staff map,
8 and to locate thereon the approximate area included
9 on the smaller map attached to exhibit 766. Make
10 a comparison of those, please, and state to the
11 Tribunal whether they are alike or different.

12 A Generally, the same.

13 Q I ask you to state one point of similarity
14 which strikes your attention.

15 A For instance, as I have already indicated,
16 the manner of indicating the border line is the
17 same. Let alone the border line markings, here and
18 there the border line is omitted in a few places,
19 and the size of the markings as well as the location
20 of such markings are the same.

21 Q Now, just a moment. Please take a green
22 pencil and mark on the smaller map some of the
23 points, at one or more of the points at which the
24 border line mark is missing on both maps.
25

1 (Whereupon, the witness marked the
2 document.)

3 MR. BLAKENEY: I think that will suffice
4 for present purposes.

5 Q Now, using the same green pencil -- I am
6 sorry. State another point of similarity between
7 the two, Mr. Witness.

8 A The same markings are used to indicate the
9 Lama Temples in both maps.
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1 Q Please ring one or two of those with green
2 on the small map; just one or two will suffice.

3 A (The witness indicated on the map.)

4 Q Are there other points?

5 A The markings to indicate the ovals are the
6 same.

7 Q Ring one or two of those, please, in
8 green.

9 A (The witness indicated on the map.)

10 Q Well, one will do for now.

11 Now let me direct your attention to the
12 marks of altitude, the figures showing altitudes,
13 on the small map attached to exhibit 766. Will
14 you please compare the two maps and state whether
15 you can find correspondences or whether you find
16 differences between the altitudes shown on the two
17 maps?

18 A There are about ten figures indicating
19 altitude on the smaller map, and at one glance I note
20 that most of them are the same.

21 Q Please take a pencil and underline half a
22 dozen or so of those. That is what color? Blue
23 pencil.

24 THE INTERPRETER: Mr. Blakeney, is it a
25 blue or green pencil you want used?

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1 MR. BLAKENEY: Blue this time.

2 THE PRESIDENT: The witness must tell us.

3 A (The witness indicated on the map.)

4 Q I think that is enough.

5 One last question in this connection, Mr.
6 Witness: You did not mention whether you find the
7 symbols for swamps to be the same on the two maps.

8 A The markings are the same on both maps.

9 Q Well, I ask you to take what color pencil
10 you have in your hand and just mark one or two of
11 those. Red this time, I understand.

12 A Red (indicating on the map).

13 Q All right.

14 MR. BLAKENEY: Has he marked?

15 MARSHAL OF THE COURT: It appears quite
16 indiscernible, quite light, sir.

17 A (The witness indicated on the map.)

18 Q All right.

19 MR. BLAKENEY: Leaving those maps, I now
20 ask that the witness be handed the map constituting
21 exhibit 2660.

22 (Whereupon, the witness was handed
23 a map.)

24 Q Please look at that map, Mr. Witness, and
25 familiarize yourself with it.

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1 A (The witness examined the map.)

2 THE PRESIDENT: Is there any undisputed
3 Japanese army map of this area in evidence?

4 MR. BLAKENEY: Yes, sir, exhibit 2653.

5 THE PRESIDENT: That is merely for refer-
6 ence.

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1 Q Now, Mr. Witness, looking at that map,
2 do you see the red line which, according to the
3 testimony here, represents the boundary agreed
4 upon in the TOGO-Molotov Agreement?

5 THE PRESIDENT: Colonel Smirnov.

6 A I note it.

7 COLONEL SMIRNOV: Your Honor, I do not quite
8 understand what my learned friend is trying to
9 prove. He can compare 15 more maps and that will
10 be a mere waste of time.

11 MR. BLAKENEY: I would be very happy to
12 assist counsel out of his bewilderment by stating
13 that my purpose is to disprove the statement made
14 by him a few moments ago and on former occasions
15 that this map, captured by the Yamagata Butai, was
16 a Japanese map containing an admission of the frontier
17 alleged by the USSR.

18 COLONEL SMIRNOV: Your Honor, as I stated
19 before and I state it now, this map was submitted
20 by us merely to prove the fact that the Yamagata
21 Detachment at the beginning of the fighting had
22 a map on which the boundary line was marked correctly.
23 I pointed out that the map had no indication of the
24 date of publishing and of the place of publishing, but
25 this map was of the Yamagata Detachment. My colleague,

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1 it seems, is trying to study the origin of the map
2 and trying to study the comparison of several
3 maps. I do not think it is necessary in view of
4 saving time. More so, because my colleague is now
5 going to compare two maps of different scales. One
6 is one to two-hundred thousand and the other is one
7 to five-hundred thousand. He is trying to compare
8 precisely two identical maps.

9 THE PRESIDENT: The scales may not matter,
10 Colonel, but the markings may. If you say that you
11 are not relying upon exhibit 766 as an admission
12 by the Japanese of the boundary line on the map
13 attached to that exhibit, then perhaps, we will save
14 time.

15 COLONEL SMIRNOV: Your Honor, I can prove
16 once more that submitting this map will merely try
17 to prove the fact that the Yamagata Detachment at
18 the very beginning of the fighting in the Nomonhan
19 Area had a map with a correct boundary line. Besides,
20 it was used by the Japanese during the operations,
21 which is seen from the Japanese inscriptions on the
22 map and the stamp "Top Secret" -- Japanese stamp
23 "Top Secret."
24

25 MR. BLAKENEY: And I repeat that I am only
trying to show that the reason the Yamagata Units

1 had a map of what the Colonel calls a correct
2 boundary line at the beginning of the fighting,
3 is that they had captured the map from sources who
4 made it from the Russian General Staff map.

5 THE PRESIDENT: We will recess for fif-
6 teen minutes.

7 (Whereupon, at 1445, a recess
8 was taken until 1500, after which the
9 proceedings were resumed as follows.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Smirnov.

4 COLONEL SMIRNOV: Your Honor, I would like
5 once more to draw the attention of the Tribunal to the
6 fact that we merely tried to prove by this map that
7 this map was in the operational use of the YAMAGATA
8 detachment. We do not know whether this map was
9 originally drawn up by the Japanese or they merely
10 copied it from the Soviet map. There are no inscrip-
11 tions on the map showing the date of the publishing
12 and the place of the publishing of the map, but all
13 the inscriptions on the map are made in Japanese and
14 there is a Japanese stamp meaning "top secret." There-
15 for it is an operational Japanese map.

16 THE PRESIDENT: Well, if we do not know
17 whether it is a Japanese map or a Russian map, can
18 we treat it as an admission by the Japanese of the
19 boundary appearing on the map?

20 COLONEL SMIRNOV: Your Honor, we submitted
21 this map only to prove that the first YAMAGATA detach-
22 ment, the first Japanese detachment who started the
23 fighting in this area had a map with the correct border-
24 line on it.

25 THE PRESIDENT: But even you say that may

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1 have been a Russian map copied by the Japanese and
2 you may not care to press that as an admission by the
3 Japanese of the boundary appearing on that map.

4 COLONEL SMIRNOV: We think, your Honor,
5 that this is an indirect admission of the fact, but
6 we can't say maybe the Japanese used the Soviet map
7 of the Soviet General Staff to make their copies of it.

8 MR. BLAKENEY: I thought that was their
9 position; that is why I offered that proof.

10 THE PRESIDENT: Well, that is the whole of
11 the proof, is it?

12 MR. BLAKENEY: Before recess the witness had
13 been handed a different map, exhibit No. 2660 and I
14 believe I had asked him the question whether he sees
15 the red line appearing thereon indicating, as shown by
16 testimony heretofore introduced, the boundary agreed
17 upon by the TOGO-Molotov Agreement.

18 BY MR. BLAKENEY: (Continued)

19 Q Do you see that, Mr. Witness?

20 A Yes, I can see the red line clearly.

21 Q And do you see the Halha River?

22 A Yes, I do.

23 Q Which you have already testified was the
24 Japanese contention of the boundary?

25 A Yes.

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1 Q And do you see the black broken line or
2 dashes, which according to testimony already intro-
3 duced in the case, represented the Soviet contention
4 of the boundary prior to the Nomonhan Incident?

5 A Yes, I do.

6 Q Now comparing those three lines I should
7 like to ask you this question. In the final settle-
8 ment of the boundary were concessions made -- concess-
9 ions being made from Soviet contentions, were there
10 also concessions made by the Soviet side in favor of
11 Manchukuo as shown by those boundaries?

12 THE PRESIDENT: Colonel Smirnov.

13 COLONEL SMIRNOV: Your Honor, I do not know
14 whether the translation I heard was correct but it
15 seems that this witness is turned into an expert on
16 diplomatic questions which is beyond his competency
17 as a military man. Therefore, I object to this
18 question.

19 MR. BLAKENEY: No, he is only an expert map
20 reader.

21 THE PRESIDENT: No knowledge of diplomacy
22 is involved. All he is required to do is to read the
23 agreement and then look at the map and read the map
24 in regard to the agreement.

25 A May I reply? As far as the Manchukuo side was

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1 concerned, generally speaking, Manchukuo conceded
2 to the border line as claimed by the Soviets, that is,
3 to a border line approximating the frontier line as
4 claimed by the Soviets. As far as the Outer Mongolian
5 side or the Soviet side is concerned, concession was
6 made of a very small part on this map at two locations,
7 was made on the border line as originally claimed by
8 the Soviet side.

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1 MR. BLAKENEY: All right. I should like to
2 remind the Tribunal that this witness in testifying
3 earlier in cross-examination marked a number of maps.
4 I refer to exhibits 766-A, 767-A and 767-B. On some
5 of them, for example 767-A, it was conceded by all
6 concerned that he had mistakenly marked the boundaries.
7 So far as I am concerned, I am content to leave the
8 matter there with the obvious explanation of the mis-
9 takes in marking these photostatic copies, unless any
10 Member of the Tribunal desires further questioning to
11 be undertaken. I should have said photostatic and
12 sketch maps.

13 And therefore, in that connection, I shall
14 ask only one question.

15 Q Mr. Witness, statement was made by the
16 prosecutor in cross-examining you, page 22,631 of the
17 record, that on one of these maps you had mistaken for
18 the Khalkhin-Gol River a railway line. I ask you
19 whether on any of the maps which you have examined
20 of this region there is any railroad line shown?

21 A In this area there are actually no railroad
22 lines, and I have seen no maps indicating railway
23 lines.

24 MR. BLAKENEY: That concludes the redirect
25 examination.

1 THE PRESIDENT: We are not sure that he
2 answered every question. He was interrupted at times
3 by objections that were not sustained. If you are
4 satisfied, we are, Major Blakeney.

5 MR. BLAKENEY: I believe that in each instance
6 I repeated the question, your Honor. I, therefore,
7 ask that the witness be excused on the usual terms.

8 THE PRESIDENT: He is excused accordingly.

9 (Whereupon, the witness was excused.)
10

11 MR. BLAKENEY: I now recall the witness Yano
12 MITSUJI whose direct testimony was given by exhibit
13 2650 and who was stood down for cross-examination until
14 such time as the copies of maps annexed to his affidavit
15 should have become available.

16 In connection with those maps, I should like
17 to point out to the Tribunal that not only have photo-
18 static copies of the translated maps been distributed
19 but, for the greater convenience of all concerned, I
20 have also had distributed to the Tribunal and the
21 prosecution photostats of the original maps in Chinese
22 or Japanese, as the case may have been, reason for
23 this being that the translated maps, being only sketches,
24 are of little or no value on boundary questions.

25 I now offer the witness for cross-examination.

MITSUJI

CROSS

1 Y A N O M I T S U J I, recalled as a witness on
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: Colonel Smirnov.

6 CROSS-EXAMINATION

7 BY COLONEL SMIRNOV:

8 Q Witness, do you confirm that the main issue
9 involved in the Nomonhan conflict was as follows:
10 where did the border pass, along the Halha River itself
11 or to the east of this river? In other words, to whom
12 did the territory between the Halha River and line
13 15-20 kilometers east of the Halha River belong, to
14 Manchuria or Mongolia? Is that so?

15 MR. BLAKENEY: I object to the question on the
16 grounds that it calls for the conclusion or opinion of
17 the witness on a matter on which he is not qualified.

18 COLONEL SMIRNOV: It seems to me, your Honor,
19 that the opinion of the witness is not involved in this
20 question, but it is the only starting point from which
21 the cross-examination can be started -- with which the
22 cross-examination can be started. Besides, the whole
23 of the witness' affidavit is dealing with precisely
24 the same question.
25

THE PRESIDENT: If I understood the question

MITSUJI

CROSS

1 correctly, it was unobjectionable. Objection over-
2 ruled.

3 Q Will you answer please? Is that correct?

4 A There is positively no mistake over the fact
5 that the border line lies along the Halha River.

6 Q I asked you whether the disputed territory
7 during the conflict was the territory to the east of
8 the Halha River and whether it was on this territory
9 that the fighting took place. Is that correct?

10 A May I have the question repeated?

11 THE PRESIDENT: Japanese reporter.

12 (Whereupon, the question was read
13 by the Japanese court reporter.)

14 A In view of the situation then existing, I
15 do not have the qualifications to reply to that ques-
16 tion.

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1 Q You contend that the border line allegedly
2 passed along the river, along the river itself?

3 A No, not so.

4 Q Not so? Then where?

5 A As stated in my affidavit I confirmed the
6 fact that the boundary line lies on the Halha River.
7 In other words, the Halha River is the frontier line.

8 Q The Soviet & Mongolian side contended that
9 the border line passed to the east of the Halha River.
10 Is that correct?

11 A I do not know of the Soviet or Outer Mongolian
12 claim as to this question. Within the confines of
13 my personal study while I was stationed in Horombair
14 as well as what reconnaissance work that I conducted,
15 it was my understanding that the border line was the
16 Halha River itself, and that this was recognized also
17 by the Outer Mongolian-Soviet side.

18 Q You contend that you were engaged in special
19 investigation concerning the state boundary between
20 the Mongolian People's Republic and Manchukuo in the
21 Halha River area, and that you know literally and map
22 materials on this subject, don't you?

23 A Yes.

24 Q Why, then, do you base all your conclusions
25 on the boundary passing along the Halha River only

MITSUJI

CROSS

1 on one Japanese and two Chinese books, and do not
2 give any official materials except map of 1937?

3 A Not only documents, but for a period of ten
4 months in the year 1936 I was an intelligence officer
5 in charge of the assembling of intelligence in connec-
6 tion with the border patrol duty.

7 Q Wasn't it that you do not refer to official
8 Chinese publications because the official Chinese
9 maps show the boundary line in accordance with the
10 contentions of the Soviet-Mongolian side, that it was
11 passing east of the Halha River?

12 A I do not contend that the border line lies
13 on the Halha River merely on the basis of documents;
14 that is to say, I was for ten months on duty at Horom-
15 bair as I have just said.

16 Q Will you answer my rather limited question:
17 Isn't it that you do not refer to official Chinese
18 publications because they show that the border line is
19 east of the Halha River? Yes or no?

20 A It is a question in connection with which
21 reference or quotation is unnecessary.

22 Q I do not want to be lectured upon this subject.
23 I only want to know how the official Chinese publications
24 and official maps show the border line, whether they
25 show it east of the Halha River or on the Halha River.

1 A In so far as my study of this question is con-
2 cerned I shall repeat what I have said before, that
3 the boundary line lies on the Halha River.

4 THE PRESIDENT: You must answer. You are very
5 evasive; clearly so, that is, if the questions are
6 being correctly interpreted to you. There is always
7 a possibility that they are not.

8 MR. BLAKENEY: I should like to observe, if I
9 may, that owing I suppose to their length the questions
10 must not be interpreted correctly, because I do know
11 the witness is answering the questions that are put
12 to him. I am listening to what he is saying, and I
13 suggest if the questions would be made shorter and
14 more concise we might get a little farther.

15 THE PRESIDENT: Judging from the English
16 versions of the questions that we have heard, he is
17 not answering.

18 Q I ask you to answer my question.

19 A I think still that the Halha River is the
20 line on which the boundary line exists, in so far as
21 my study is concerned and according to all of the docu-
22 ments and books that I have seen.

23 THE PRESIDENT: Have you seen any official
24 Chinese publications showing the border east of that
25 river?

MITSUJI

CROSS

1 THE WITNESS: No, I have not.

2 Q Wasn't it that you didn't refer to the maps
3 drawn up and published by the Kwantung Territory
4 Government Office and by the Kwantung Army Staff
5 because up to 1935 these maps also showed the border
6 line as passing to the east of the Halha River, that
7 is, in accordance with the contentions of the Soviet-
8 Mongolian side?

9 A Not so.

10 Q Then you are not aware of the fact that in
11 1935 the boundary line on the Japanese maps was
12 arbitrarily transferred on the Halha River from the
13 line to the east of the river, are you? That was in
14 1935.

15 A I do not know.

16 COLONEL SMIRNOV: Your Honor, may the witness
17 be shown a number of maps? May I be permitted to
18 show the witness a number of maps?

19 THE PRESIDENT: You may.
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MITSUJI

CROSS

1 COLONEL SMIRNOV: May the witness be shown
2 exhibits 764 and 764-A? These maps were already
3 produced to the Court.

4 (Whereupon, documents were handed
5 to the witness.)

6 Now, for the convenience of investigation
7 of these maps, I hand one more copy. To save time,
8 I put colored marks on these maps. The disputable
9 territory is in yellow color, the border line is in
10 red, the Buirnor Lake and the Halha River are in blue.

11 This is not produced as new evidence; I
12 stress the fact that it is old evidence already pre-
13 sented. These marks were made personally by me.

14 May the witness be shown the map published
15 in 1934, the original attached to exhibit 764? May
16 he be shown the original attached to the exhibit in
17 order to avoid misunderstanding, possible misunder-
18 standing? I am afraid the defense will try to charge
19 me with coloring the map in the wrong way.

20 (Whereupon, a document was handed to
21 the witness.)

22 Q What map do you have before you, Mr. Witness;
23 the map of 1934 or the map of 1935?

24 A It is a map made in 1935.

25 COLONEL SMIRNOV: May the witness be shown

the map of 1934? This is the second map.

1 (Whereupon, a document was handed
2 to the witness.)

3 Q Find on this map the Buirnor Lake, the Halha
4 River and the boundary line. Have you found it?

5 A I see.

6 Q Do you see that the border line as shown on
7 this map passes east of the Halha River?

8 In an enlarged form, this map is on the left
9 screen, your Honor.

10 Q Well, do you see that the border line passes
11 east of the Halha River?

12 A On this map, yes.

13 Q Now, look at the map of 1935.

14 May the witness be shown the second map?

15 Do you see that the border line on this map
16 is changed and is transferred from the east to the west
17 and passes on the river, itself?

18 This map is on the right screen.

19 Do you see that on the map of 1935, the
20 boundary line passes on the Halha River, itself?

21 A Of course, there would be some differences
22 because the two maps were published by different
23 organs. One is by the Kwantung Government-General,
24 and the other by the Bureau of Kwantung Province.
25

MITSUJI

CROSS

1 Q One map was published by the Kwantung
2 Government-General, and the other by the Bureau of
3 the Kwantung Territory, isn't it so?
4

5 A Yes, but the publisher is different so that
6 I cannot make a comparison.

7 Q Those maps were published by administrative
8 authorities of the Kwantung districts, were they not --
9 of the Kwantung Territory?

10 A Yes.

11 Q You certainly know that neither in 1934 nor
12 in 1935 any negotiations concerning the changing of the
13 boundary line in the Nomongan area were conducted
14 between Mongolian People's Republic on one side and
15 Manchukuo and Japan on the other?

16 A The question is not clear. May I have it
17 repeated?

18 (Whereupon, the question was read
19 by the Japanese court reporter.)

20 A May I have that repeated again?

21 (Whereupon, the question was again read.)

22 A I do not recall.

23 Q Then in 1934, the boundary line on the official
24 maps of the -- Then, in 1935, the boundary line on
25 the official map of the Kwantung Territory was
arbitrarily changed, wasn't it?

MITSUJI

CROSS

1 A I do not think so.

2 Q Now let us see how the border line was shown
3 on all Japanese maps, official maps, published either
4 by the Kwantung Territory Government or by the Kwantung
5 Army prior to 1935 -- prior to 1934.

6 I introduce for identification the map
7 published by the Kwantung Territory Government in
8 September 1926, the map of Manchuria and Mongolia.

9 May the witness be shown the original of
10 the map?

11 CLERK OF THE COURT: The map, prosecution
12 document No. 2993-A, will receive exhibit No. 2709
13 for identification only.

14 (Whereupon, the document above
15 referred to was marked prosecution exhibit
16 No. 2709 for identification.)

17 THE PRESIDENT: Are we to have the further
18 argument on the calling of witnesses for cross-
19 examination tomorrow?

20 MR. TAVENNER: If your Honor please, we would
21 prefer to have it Monday.

22 THE PRESIDENT: We will adjourn until
23 half-past nine tomorrow morning.

24 (Whereupon, at 1600, an adjournment
25 was taken until Friday, 6 June 1947, at 0930.)

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MITSUJI

CROSS

1 A I do not think so.

2 Q Now let us see how the border line was shown
3 on all Japanese maps, official maps, published either
4 by the Kwantung Territory Government or by the Kwantung
5 Army prior to 1935 -- prior to 1934.

6 I introduce for identification the map
7 published by the Kwantung Territory Government in
8 September 1926, the map of Manchuria and Mongolia.

9 May the witness be shown the original of
10 the map?

11 CLERK OF THE COURT: The map, prosecution
12 document No. 2993-A, will receive exhibit No. 2709
13 for identification only.

14 (Whereupon, the document above
15 referred to was marked prosecution exhibit
16 No. 2709 for identification.)

17 THE PRESIDENT: Are we to have the further
18 argument on the calling of witnesses for cross-
19 examination tomorrow?

20 MR. TAVENNER: If your Honor please, we would
21 prefer to have it Monday.

22 THE PRESIDENT: We will adjourn until
23 half-past nine tomorrow morning.

24 (Whereupon, at 1600, an adjournment
25 was taken until Friday, 6 June 1947, at 0930.)

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